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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,669	11/30/2004	Claes-Goran Nilsson	14004	8778

7590

08/18/2006

Orum & Roth
53 West Jackson Boulevard
Chicago, IL 60604-3606

EXAMINER

EVANS, GEOFFREY S

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/516,669

Applicant(s)

NILSSON, CLAES-GORAN

Examiner

Geoffrey S. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 21, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20041213.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The abstract of the disclosure is objected to because the word "said" is legal phraseology and the words "the present invention" are superfluous in the abstract of a patent. Correction is required. See MPEP § 608.01(b).
2. Claim 7 is objected to because of the following informalities: In claim 7 "cit" should be spelled as "cut". Appropriate correction is required.
3. Claims 5,10,12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5 it is unclear whether applicant is invoking 35 USC 112, sixth paragraph by the words "means of". It is unclear how claim 10 (an apparatus claim) further limits claim 8 (a process claim). Respectfully suggest making claim 10 depend upon claim 9 to obviate this rejection. Claim 12 is being rejected since it also eventually depends upon claim 8.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1,3,4,9,13,14,15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in WO 97/11841 in view of Diesner in EP 546485. White disclose method and apparatus for cutting labels from a web with a CO₂ laser beam while using vacuum clamp (element 15; see page 7, lines 13-15) and galvanometer controlled mirrors to scan the laser beams (see page 7, lines 27-34). Diesner teaches

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creating a textile web from a loom (see figure 1 and column 4, lines 13-28). It would have been obvious to adapt White in view of Diesner to provide a loom to efficiently create a textile web with labels.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Diesner as applied to claim 1, and further in view of Moll in U.S. Patent No. 5,230,764. Moll teaches a cutting table (element 13, see column 4, lines 15-20). It would have been obvious to adapt White in view of Diesner and Moll to provide this to evenly support the textile web during cutting.

7. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Diesner as applied to claims 1 and 9 above, and further in view of Amos in Re. 34,125. Amos in RE 34,125 teaches continuous rollers for clamping the workpiece in position for cutting. It would have been obvious to adapt White in view of Diesner and Amos to provide this to keep the web in position during cutting of the labels.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Diesner as applied to claim 1 above, and further in view of Gerber in U.S. Patent No. 5,259,648. Gerber teaches using marks (elements 132) on a web to determine the places at which the cutting device should operate. It would have been obvious to adapt White in view of Diesner to provide this to properly cut the correct areas of the textile material. Please note in claim 6 on line 3 that the parenthetical expression "for instance ..." has been given no patentable weight as the phrase recites merely an example.

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9. Claims 7,8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Diesner as applied to claim 1 above, and further in view of Carnevali in U.S. Patent No. 6,716,149. Carnevali teaches folding the labels after cutting (see column 2, lines 20-28). It would have been obvious to adapt White in view of Diesner and Carnevali to provide this to fold the labels for stacking.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Diesner and Carnevali as applied to claim 8 above, and further in view of Moll in U.S. Patent No. 5,230,764. Moll teaches a cutting table (element 13, see column 4, lines 15-20). It would have been obvious to adapt White in view of Diesner, Carnevali and Moll to provide this to evenly support the textile web during cutting.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Diesner, Carnevali and Moll as applied to claim 8 above, and further in view of Smyth, Jr. in U.S. Patent No. 5,481,083. Smyth, Jr. teaches a continuous transverse clamping instrument (element 100; see column 8, lines 30-33). It would have been obvious to adapt White in view of Diesner, Carnevali, Moll and Smyth, Jr. to provide this to keep the workpiece in position during cutting.

12. Claims 17,18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Diesner as applied to claim 9 above, and further in view of Gotoh in U.S. Patent No. 4,146,061 and Makino in Japan Patent No. 8-176,941. Gotoh teaches marking a woven fabric with a mark in a loom. Makino teaches using cut marks to determine when to cut a woven fabric by using an optical detector, and a connector (electric wiring). It would have been obvious to adapt White in view of Diesner, Gotoh

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and Makino to provide this to correctly cut the labels from the ribbon (web) at the desired positions.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Diesner as applied to claim 9 above, and further in view of Tanaka in Japan patent No. 5-98,542. Tanaka teaches the equivalence of using a signal from the loom indicating the amount of woven fabric and a detector to determine the marking position for determine the proper position for cutting. It would have been obvious to adapt White in view of Diesner and Tanaka to provide impulses from a detector at the loom as an equivalent way of determining the proper cutting position.

14. Claims 21,23, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Drent et al. in U.S. Patent No. 3,601,950 disclose folding the labels after cutting (see column 3,line 62 to column 4,line 32).

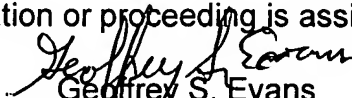
16.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571)-272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

GSE


Geoffrey S. Evans
Primary Examiner
Group 1700